

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOE ANN WEST,

Plaintiff,

v.

RAY MABUS,

Defendant.

CASE NO. C16-5191 RBL

ORDER DENYING APPLICATION
TO PROCEED IFP

DKT. #1

THIS MATTER is before the Court on Plaintiff Joe Ann West's application to proceed in *forma pauperis* [Dkt. #1]. West is an African American former female employee of the Puget Sound Naval Shipyard. She asks the Court to appoint her "agent" of a class of similarly-situated African American women, alleging that the Shipyard's use of the USAJob's website unfairly favors white males.

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The Court has broad discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed *in*

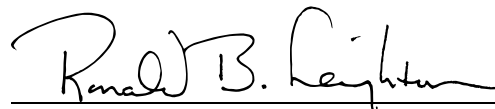
1 *forma pauperis* at the outset if it appears from the face of the proposed complaint that the action
2 is frivolous or without merit.” *Tripati v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir.
3 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint
4 is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778
5 F.2d 527, 529 (9th Cir. 1985); *see also Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

6 The Court does not deny *in forma pauperis* status lightly, especially where a Plaintiff
7 alleges racial discrimination. However, as a non-attorney, West cannot represent her putative
8 class members. *See Bradvica v. Terhune*, 198 F.3d 253 (9th Cir. 1999) (citing *McShane v. United*
9 *States*, 366 F.2d 286, 288 (9th Cir. 1966)) (holding that district court did not abuse its discretion
10 by denying non-attorney plaintiff IFP status because he could not represent class members).

11 Therefore, West’s application to proceed *in forma pauperis* [Dkt. #1] is **DENIED**. She
12 may amend her application to assert claims only on her own behalf, or she may pay the filing fee.
13 Either must occur within **30 days** of this order, or the case will be dismissed.

14 IT IS SO ORDERED.

15 Dated this 18th day of March, 2016.

16
17 

18 Ronald B. Leighton
19 United States District Judge
20
21
22
23
24